

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 CAB-02
COME-00 DOTE-00 EPG-02 FAA-00 IO-13 TRSE-00 ITC-01
OMB-01 /078 W

-----241618Z 023528 /44

O 241550Z MAY 77

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 4270

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PASS CAB (SIMMS, RODRIGUEZ), DOT (DAVENPORT, KAMM)

E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: US-UK CIVAIR NEGOTIATIONS: RESTRICTIONS
AGAINST SEABOARD

1. SEABOARD HAS PROVIDED CHRON OF UKG ACTIONS ADVERSE
TO SWA EFFORTS ON UK FREIGHT OPERATIONS. SWA SUGGESTS
THIS EVIDENCES CONSISTENT CAMPAIGN BY UK AND BRITISH
AIRWAYS AGAINST COMPETITIVENESS OF SWA IN FREIGHTER
MARKETS.

2. CAB, DOT ASSESSMENT REQUESTED SOONEST.

3. CHRONOLOGY OF UK ACTIONS FOLLOWS:

A. 10/6/71 - CAA(BONNEY) REJECTED MULTI-CONTAINER,
32000 KGS MINIMUM TARIFF, FILED 9/17/71,
APPROVED BY THE US.

B. 4/7/72 - CAA(BONNEY) REJECTED FAK, LOOSE AND
CONTAINERIZED, 34000 KGS AND 40000 KGS,
TARIFFS FILED 3/15/72, APPROVED BY THE US.

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C. 5/4/73 - CAA REJECTED SCRS, LOOSE AND CONTAINERIZED,
15000 KGS, AND 30000 KGS, TARIFFS FILED
4/27/73.

D. 7/19/74 - DOT(BROWN) REJECTS 747F SCHEDULED FILED
FOR EFFECT 8/12/74 ON BASIS JFK-LON-PAR-
JFK ROUTING VIOLATED BILATERAL (SWA'S DC-8
AIRCRAFT FOLLOWED THIS ROUTING SINCE 1966

WITHOUT SUCH ACTION).

E. 8/2/74 - AFTER ASSERTION BY SWA THAT BILATERAL WAS NOT VIOLATED (NUMEROUS DISCUSSIONS AND CORRESPONDENCE), DOT (BROWN) SWITCHED ARGUMENT AND RULED BY LETTER THAT SWA VIOLATED ITS OPERATING PERMIT BY BOARDING OR DISCHARGING CARGO IN THE UK OR FRANCE' AS THE CASE MIGHT BE, WHILE TRAVERSING A BLIND SEGMENT (LON-PAR), EVEN THOUGH ALL CARGO WAS 3RD/4TH TRAFFIC.

F. C. 10/15/74 - DOT (BROWN), AFTER MORE DISCUSSION INCLUDING LEGAL CONSULTATIONS, ISSUED "CEASE AND DESIST" AGAINST SWA 747F BOARDING AND DISCHARGE OPERATIONS AT LON AND PAR, AND SWA WAS FORCED TO DISCONTINUE THE OPERATION. FOR THE NEXT FEW MONTHS SWA OPERATED BY STOPPING TWICE IN LON, ONCE TO BOARD AND ONCE TO DISCHARGE CARGO, ON A JFK-LON-PAR-LON-JFK ROUTING. THIS OPERATION WAS ACCEPTABLE TO DOT. UNFORTUNATELY, ADDED LANDING, EXTRA AIRCRAFT AND CREW TIME, AND EXTRA GROUND HANDLING EXPENSE INCREASED SWA'S OPERATING COSTS BY APPROXIMATELY \$2,000,000 ANNUALLY; THIS WAS DISCONTINUED IN EARLY 1975.

G. 8/20/75 - DOT REVOKED SWA'S OPERATING PERMIT, AFTER SWA HAD OBTAINED FAVORABLE DECISION IN HMG COURT ON 7/22/75. THE COURT RULED THAT SWA HAD OPERATED IN FULL COMPLIANCE WITH ITS LIMITED OFFICIAL USE

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OPERATING PERMIT ISSUED IN 1966.

H. 9/5/75 - DOT (BROWN) REJECTED SWA SCHEDULE SHOWING SAME FLIGHT NUMBER AT US GATEWAY AND BEHIND POINT.

I. 9/17/75 - DOT (BROWN) UNILATERALLY REVISED AND ISSUED A NEW OPERATING PERMIT FOR SWA WHICH SPECIFICALLY:

(I) PROHIBITS SWA FROM BOARDING OR DISCHARGING 3RD OR 4TH FREEDOM CARGO/MAIL IN THE UK WHEN OPERATING VIA THE UK OVER A BLIND SECTOR TO A THIRD COUNTRY, OR WHEN OPERATING FROM A 3RD COUNTRY VIA BLIND SECTOR AND UK EN ROUTE TO US, RESPECTIVELY.

(II) PROHIBITS SWA FROM TRANSFERRING CARGO OR MAIL TO ANOTHER AIRLINE, OR TO ITS OWN AIRCRAFT, IN THE UK WHEN OPERATING TO OR FROM A BLIND SECTOR. (THIS PROVISION ALSO SERVES TO PROHIBIT CHANGE OF GAUGE).

(III) REQUIRES SWA TO FILE SCHEDULES FOR
DOT SPECIFIC APPROVAL AT LEAST 60 DAYS IN

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INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
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COME-00 DOTE-00 EPG-02 FAA-00 IO-13 TRSE-00 ITC-01
OMB-01 /078 W

-----241618Z 023465 /43

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ADVANCE (SWA BELIEVES IT IS THE FIRST AND
ONLY AIRLINE SO TREATED BY UKG).

J. 6/18/76 - DOT (BROWN) REJECTED SWA SCHEDULE FILING
DUE LACK OF FULL 60 DAYS ADVANCE NOTICE,
ALTHOUGH CIRCUMSTANCES EXPLAINED INFORMALLY
AT TIME OF FILING.

K. 1/7/77 - CAA REJECTED FIRST SWA TARIFF FILING
(UNDER NEW CAA REGULATION OR INSTRUCTION)
ALTHOUGH WAS EXACT COPY OF APPROVED US CAB
TARIFFS (CAA CLAIMED TARIFF WAS TOO
DETAILED; SUBSEQUENTLY ACCEPTED TARIFF
FILING WHICH IS INCOMPLETE; THEREFORE, SWA
CAN NOW BE FOUND IN TECHNICAL VIOLATION OF
IT FROM TIME TO TIME.)

L. 5/2/77 - CAA/DOT CHARGED SWA WITH VIOLATION OF ITS
OPERATING PERMIT FROM 2/8/75 TO 4/17/75
INCLUSIVE BY OPERATING 21 MAC FLIGHTS FROM
US TO PRESTWICK (TRAFFIC WAS SOLD MILITARY
PASSENGERS AND PROPERTY). THIS CHARGE
PENDING.

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MILLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISCRIMINATION, NEGOTIATIONS, AVIATION AGREEMENTS, ALLEGATIONS, AIR ROUTES
Control Number: n/a
Copy: SINGLE
Sent Date: 24-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977LONDON08558
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: LONDON
Handling Restrictions: n/a
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Litigation History:
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
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Retention: 0
Review Action: RELEASED, APPROVED
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Review Date: 14-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2393548
Secure: OPEN
Status: NATIVE
Subject: US-UK CIVAIR NEGOTIATIONS: RESTRICTIONS AGAINST SEABOARD
TAGS: EAIR, UK, US, SEABOARD
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/3ec0568b-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
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